



4910-06-P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA-2019-0004-N-12]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Requests (ICRs) abstracted below to the Office of Management and Budget (OMB) for review and comment. The ICRs describe the information collections and their expected burden. On June 14, 2019, FRA published a notice providing a 60-day period for public comment on the ICRs.

DATES: Interested persons are invited to submit comments on or before **[INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

ADDRESSES: Submit written comments on the ICRs to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725 17th Street, NW, Washington, DC 20503, Attention: FRA Desk Officer. Comments may also be sent via email to OMB at the following address: oira_submissions@omb.eop.gov.

FOR FURTHER INFORMATION CONTACT: Mr. Robert Brogan, Information Collection Clearance Officer, Office of Railroad Safety, Regulatory Analysis Division,

Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W33-497, Washington, DC 20590 (telephone: (202) 493-6292); or Ms. Kim Toone, Information Collection Clearance Officer, Office of Information Technology, Federal Railroad Administration, 1200 New Jersey Avenue, SE, Room W34-212, Washington, DC 20590 (telephone: (202) 493-6132).

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. *See* 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On June 14, 2019, FRA published a 60-day notice in the *Federal Register* soliciting comment on the ICRs for which it is now seeking OMB approval. *See* 84 FR 27833. FRA received and reviewed the comments submitted in response to this notice.

On August 7, 2019, Ms. Sarah Yurasko, of the Association of American Railroads (AAR) sent a comment on behalf of its member railroads regarding FRA’s Crossing Inventory renewal information collection (Part 234; OMB No. 2130-0017). Ms. Yurasko noted that AAR and its member railroads “have worked diligently with FRA since the 2015 publication of the Highway-Rail Crossing Inventory Final Rule to ensure that the information reported via the U.S. Crossing Inventory forms is accurate.” She noted that “both railroads and State entities access the site to report information under their respective purviews, and unfortunately, there have been several instances in which a state has over-written railroad-provided information in one of the railroad fields.” She observed that such errors lead to confusion, administrative burden to remediate, and “potential FRA enforcement activity.” AAR and its member railroads are urging FRA to

amend its system to lock-off designated sections of the U.S. DOT Crossing Inventory Form to the railroad, and other designated sections to the state entity. Ms. Yurasko advocated that there are several sections of the Inventory Form which both the railroad and the state entity should be able to modify and that, in these instances, “the form should allow all parties to see who made the most recent update to the information in the form.” Ms. Yurasko included a color-coded copy of the Inventory Form (FRA F 6180.71) to illustrate the categorization of fields that railroads and the state entity would each complete.

The accuracy and reliability of the data that railroads and state entities provide on the FRA Inventory Form is vital to FRA and to its mission of promoting and enhancing national rail safety, particularly at grade crossings. Before FRA issued the Crossing Inventory final rule in 2015, FRA solicited comment and feedback on sections of the Inventory Form that the railroads and state entities would complete. Accordingly, in its March 29, 2013, comments on the proposed Crossing Inventory rule, AAR recommended FRA limit access to certain specified data fields to either the railroad or state entity to prevent submission of erroneous information by the other entity. The Crossing Inventory system is designed to allow users to view previously submitted Inventory Forms, which can then be used to determine when revised Inventory Forms were submitted and whether the railroad or state entity submitted them. However, FRA will consider Ms. Yurasko’s recommendations on behalf of the AAR and its member railroads to lock certain sections of the Inventory Form to prevent over-writing by another entity.

Before OMB decides whether to approve these proposed collections of information, it must provide 30 days for public comment. Federal law requires OMB to

approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); *see also* 60 FR 44978, 44983, Aug. 29, 1995. OMB believes the 30-day notice informs the regulated community to file relevant comments and affords the agency adequate time to digest public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICRs regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summaries below describe the ICRs that FRA will submit for OMB clearance as the PRA requires:

Title: U.S. DOT Crossing Inventory.

OMB Control Number: 2130-0017.

Abstract: On January 6, 2015, FRA published in the Federal Register a final rule that requires railroads that operate one or more trains through highway-rail or pathway crossings to submit information to the U.S. DOT National Highway-Rail Crossing

Inventory about the crossings through which they operate.¹ See 80 FR 746. These amendments, mandated by section 204 of the Rail Safety Improvement Act of 2008, require railroads to submit information about previously unreported and new highway-rail and pathway crossings to the U.S. DOT National Highway-Rail Crossing Inventory and to periodically update existing crossing data.

Type of Request: Extension with change (revised estimates) of a current information collection.

Affected Public: Businesses (railroads), States, and the District of Columbia (DC).

Form(s): FRA F 6180.71.

Respondent Universe: 692 railroads, 50 States and DC.

Frequency of Submission: On occasion/monthly.

Reporting Burden²:

CFR Section	Respondent Universe	Total Annual Responses	Average Time per Response	Total Annual Burden Hours	Total Annual Burden Hour Dollar Cost Equivalent ³
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¹ This final rule was subsequently amended on June 10, 2016, in response to a petition for reconsideration submitted by the Association of American Railroads. See 81 FR 37521.

² After an internal agency review, FRA updated the PRA estimates.

³ Based on Bureau of Labor Statistics (BLS) data, FRA is using an average hourly wage rate of \$74 per hour for State employees to determine the dollar equivalent cost of estimated burden hours. Based on the 2017 American Association publication, Railroad Facts, FRA is using an average hourly wage rate of \$77 per hour for professional/administrative to determine the same dollar equivalent costs. All hourly wage rates included 75 percent overhead costs.

234.403(a), (b), (c), (e)(3) – Submission of data to the U.S. DOT Highway-Rail Crossing Inventory: Completion of inventory form – Mass update lists of designated data submitted by railroads/states – Excel lists of submitted data – Changes/corrections to Crossing Inventory data submitted via API computer program – Written requests by states/railroads for FRA Crossing Inventory Guide (d) – Reporting Crossing Inventory data by state agencies on behalf of railroads: Written notices to FRA (e)(1) – Consolidated reporting by parent corporation on behalf of its subsidiary railroads: Written notice to FRA (e)(2) – Immediate notification to FRA by parent corporation of any changes in the list of subsidiary railroads for which it reports	51 States/DC & 692 railroads	1,495 forms	30 minutes	748 hours	\$55,352
	51 States/DC & 692 railroads	67 lists (1,081 records)	30 minutes	34 hours	\$2,516
	51 States/DC & 692 railroads	750 lists (110,238 records)	15 minutes	188 hours	\$13,912
	51 States/DC & 692 railroads	134,719 records	3 minutes	6,736 hours	\$498,464
	51 States/DC & 692 railroads	5 requests	15 minutes	1 hour	\$74
	51 States/DC & 692 railroads	15 notices	30 minutes	8 hours	\$592
	692 railroads	250 notices	30 minutes	125 hours	\$9,625
234.405(a)(1) – Initial submission of previously unreported highway-rail and pathway crossings through which they operate by primary operating railroads: Providing assigned crossing inventory number to each railroad that operates one or more trains through crossing - Primary operating railroad providing assigned inventory number to other (2) railroads operating through crossing (c) – Duty of all operating railroads: Notification to FRA of previously unreported crossing through which it operates (d) – Primary operating railroad copy to FRA of its written request to State agency for State-maintained crossing data – Copies of primary operating railroad written request to other operating railroads	692 railroads	300 provided assigned inventory numbers	5 minutes	25 hours	\$1,925
	692 railroads	200 assigned numbers	5 minutes	17 hours	\$1,309
	692 railroads	200 notices/notifications	20 minutes	67 hours	\$5,159
	692 railroads	70 written requests	2 minutes	2 hours	\$154
	692 railroads	75 written requests	2 minutes	3 hours	\$231
234.407(a) – Submission of initial data to the Crossing Inventory for new Crossings: Primary operating railroad assignment of Inventory number to each new highway-rail or pathway crossing through which it operates - Providing assigned inventory numbers for new highway-rail and pathway crossings through which they operate by primary operating railroads to each railroad that operates one or more trains through the crossing	692 railroads	50 assigned inventory numbers	5 minutes	4 hours	\$308
	692 railroads	50 assigned inventory numbers	5 minutes	4 hours	\$308

234.411(a)(ii) – Notification/report by railroad to primary operating railroad of sale of all or part of a highway-rail or pathway on or after June 10, 2016	692 railroads	400 notices/ reports	15 minutes	100 hours	\$7,700
234.413(a & b) – Recordkeeping – RR Duplicate copy of each inventory form submitted in hard copy to the Crossing Inventory – Copy of electronic confirmation received from FRA after electronic submission of crossing data to Crossing Inventory	692 railroads	350 duplicate copies	1 minute	6 hours	\$462
	692 railroads	134,719 copies	5 seconds	187 hours	\$14,399

Total Estimated Annual Responses: 384,292.

Total Estimated Annual Burden: 8,293 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$615,416.

Title: Special Notice for Repairs.

OMB Control Number: 2130-0504.

Abstract: Under 49 CFR part 216, FRA and State inspectors may issue a Special Notice for Repairs to notify a railroad in writing of an unsafe condition involving a locomotive, car, or track. The railroad must notify FRA in writing when the equipment is returned to service or the track is restored to a condition permitting operations at speeds authorized for a higher class, specifying the repairs completed. FRA and State inspectors use this information to remove from service freight cars, passenger cars, and locomotives until they can be restored to a serviceable condition. They also use this information to reduce the maximum authorized speed on a section of track until repairs can be made.

Type of Request: Extension with change (revised estimates) of a current information collection.

Affected Public: Businesses (railroads).

Form(s): FRA F 6180.8; FRA F 6180.8A.

Respondent Universe: 741 railroads.

Frequency of Submission: On occasion.

Total Estimated Annual Responses: 57.

Total Estimated Annual Burden: 16 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$1,232.

Title: Bridge Safety Standards.

OMB Control Number: 2130-0586.

Abstract: The Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94, Dec. 4, 2015), Section 11405, "Bridge Inspection Reports," provides a means for a State or a political subdivision of a State to obtain a public version of a bridge inspection report generated by a railroad for a bridge located within its respective jurisdiction. While the FAST Act specifies that requests for such reports are to be filed with the Secretary of Transportation, the responsibility for fulfilling these requests is delegated to FRA. *See* 49 CFR 1.89.

FRA's currently approved information collection accounts for the burden that will be incurred by States and political subdivisions of States requesting a public version of a bridge inspection report generated by a railroad for a bridge located within their respective jurisdiction. FRA developed a Form titled "Bridge Inspection Report Public Version Request Form" to facilitate such requests by States and their political subdivisions. FRA accounts for the burden that will be incurred by railroads to provide the public version of a bridge inspection report upon agency request to FRA.

As background, FRA's final rule on bridge safety standards, 49 CFR part 237, normalized and established federal requirements for railroad bridges. *See* 75 FR 41281 (July 15, 2010). The final rule established minimum requirements to assure the structural integrity of railroad bridges and to protect the safe operation of trains over those bridges. The information collected is used by FRA to ensure that railroads/track owners meet Federal standards for bridge safety and comply with all the requirements of this regulation. In particular, the collection of information is used by FRA to confirm that railroads/track owners adopt and implement bridge management programs to properly inspect, maintain, modify, and repair all bridges that carry trains for which they are responsible. Railroads/track owners must conduct annual inspections of railroad bridges as well as special inspections, which must be carried out if natural or accidental events cause conditions that warrant such inspections. Further, railroads/track owners must incorporate provisions for internal audit into their bridge management programs and must conduct internal audits of bridge inspection reports. The internal audit information is used by railroads/track owners to verify that the inspection provisions of the bridge management program are being followed and to continually evaluate the effectiveness of their bridge management program and bridge inspection activities. FRA uses this information to ensure that railroads/track owners implement safe and effective bridge management and inspection programs.

Type of Request: Extension with change (revised estimates) of a current information collection.

Affected Public: Businesses (railroads) and States, DC, and political subdivisions).

Form(s): FRA F 6180.167.

Respondent Universe: 741 railroads/50 States and DC/200 political subdivisions.

Frequency of Submission: On occasion/monthly.

Total Estimated Annual Responses: 16,037.

Total Estimated Annual Burden: 4,857 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$334,299.

Under 44 U.S.C. 3507(a) and 5 CFR 1320.5(b) and 1320.8(b)(3)(vi), FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Authority: 44 U.S.C. 3501-3520.

Brett A. Jortland,

Acting Chief Counsel.

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